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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,820	06/30/1999	LYNN Y. SHIMADA	13065.36.1.1	1703

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EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/345,820

Applicant(s)

SHIMADA, LYNN Y.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-13, 15-16, 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al.

Anderson et al discloses a method for electronically initiating a payment to a vendor regardless of whether the vendor utilizes an electronic payment technology. A user computer system includes an electronic accounting application (col 9, lines 13-17). An electronic payment file is generated by and transmitted from a user computer system to initiate payment of an amount owed to a vendor (col 3, lines 40-48). An electronic payment file is also generated by a user computer system to initiate payment of the amount owed by the user to the vendor (col 8, lines 52-56).

A third-party electronic payment processing center (58) is electronically coupled to the user computer system so as to receive the electronic payment file from the user computer system and to effectuate payment of the amount owned to the vendor regardless of whether the vendor utilizes an electronic payment technology through electronic technology when available and through a printed check when no electronic payment technology is available (col 13, lines 4-6). The electronic payment processing center comprises a printing device to effectuate payment of the amount owned to a vendor responsive to the electronic payment file received when no electronic payment technology is available (col 13, line 4; col 16, lines 19-23).

An ACH file generated by the third-party electronic payment processing center from the electronic payment file to effectuate payment of the amount owned to the vendor responsive to the electronic payment file received when electronic payment technology is available (30; col 3, lines 64-65). A financial institution has a financial account corresponding to the vendor, wherein the financial institution is electronically coupled to the third party electronic payment processing center to receive the ACH file (18; col 4, lines 1-16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al in view of Thomson et al.

Anderson et al discloses what is described in the previous 35 U.S.C. 102(e) rejection above. Anderson further discloses invoice collection (col 3, lines 30-45) including invoice information (col 4, line 30; col 14, line 6), and check disbursement (col 13, line 4) including check information (col 13, lines 46-67).

Anderson does not explicitly disclose a single electronic payment file comprising specific invoice and check information as recited in claims 14 and 20.

Thomson et al discloses combining specific invoice and check information as recited in claims 14 and 20 (fig 1a).

It would have been obvious to one with ordinary skill in the art to include a single electronic payment file comprising specific invoice and check information as recited in claims 20 and 24 because of what is taught by Thomson et al. Thomson et al teaches that incorporation of all information into one entity allows for increased efficiency (col 4, line 68; col 5, lines 1-4).

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5. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al in view of Ferguson et al.

Anderson et al discloses what is described in the previous 35 U.S.C. 102(e) rejection above. Anderson et al further discloses a specific file format (col 3, lines 44).

Anderson et al does not explicitly disclose an ASCII text data format as recited in claims 17 and 21.

Ferguson et al discloses ASCII text data format (col 1, lines 41-50).

It would have been obvious to one with ordinary skill in the art to include ASCII text data formats to Anderson et al because Ferguson et al teaches such formats as known in the art as conducive for reading purposes (col 1, lines 45-47).

Response to Arguments

6. Applicant's arguments filed 3-12-03 have been fully considered but they are not persuasive.

Claim 10 does not recite that the user must be a customer as argued by applicant. Regarding the same limitation in claim 18, which further recites "of the amount owned by the user to the vendor" this is also shown in Anderson et al where the customer reviews the invoice (which inherently includes an electronic payment file) to initiate payment.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

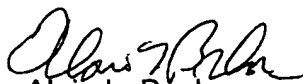
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
May 14, 2003


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 8800